

### **REMARKS/ARGUMENTS**

Applicant hereby responds to the Office Action of February 2, 2009.

Claims 1-18, and 20-26 have been cancelled without prejudice.

Claim 19 has been amended to delete hydrogen peroxide.

Claim 27 has been amended to delete hydrogen peroxide.

Claim 28 has been amended to provide hydrogen peroxide as an additional element.

No new matter is added by the Amendments.

#### **I. Interview Summary**

Applicant thanks the Examiner for the telephonic interview on April 6, 2009 in which claims 19, 27 and 28 were discussed and Applicant agreed to cancel claims 1-18, and 20-26 without prejudice. U.S. Patent 6,589,481 to *Lin* was discussed and it was acknowledged that *Lin* does not disclose the use of peroxidase or thiocyanate as required by the amended claims. Applicant thanks the Examiner for agreeing to consider this Amendment after final.

#### **I. Response to Claim Rejections under 35 U.S.C. § 103**

Claims 19 and 27-28 stand rejected under 35 U.S.C. § 103 as being obvious in view of United States Patent Number 6,589,481 to *Lin* ("*Lin*").

Applicant asserts that *Lin* as a matter of law cannot render the invention of amended claims 19 or 27-28 as obvious.

Claim 19 and 27 as amended do not claim hydrogen peroxide and should be deemed allowable.

Claim 28 depends from claim 19 and specifies that the inhaler of claim 19 can further comprise hydrogen peroxide. *Lin* does not teach the use of either a peroxidase or a thiocyanate in combination with hydrogen peroxide.

## **II. Paragraph 112 Rejections**

The rejections with respect to claims 1-18 and 20-26 are moot in view of their cancellation. Claim 27 has been amended to remove hydrogen peroxide from the claim. It is believed the rejections under 112 are now moot in view of the amendments.

## **III. Double Patenting**

The applicant will file a terminal disclaimer, if appropriate, when allowable subject matter is indicated.

## **IV. Conclusion**

Applicants submit that these amendments and remarks, when entered, place the claims in condition for allowance and respectfully request that the Examiner reconsider the application in light of these amendments and all claims in the subject application be permitted to proceed to allowance.

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